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June 28, 2021

VIA CM/ECF AND HAND DELIVERY

The Honorable Leonard P. Stark
Chief U.S. District Judge, District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Unit 26, Room 6124
Wilmington, DE 19801-3555

Re: Xcoal Energy & Resources v. Bluestone Energy Sales Corporation, et al.,
C.A. No. 18-819-LPS

Dear Chief Judge Stark:

On April 14, 2021, the Court issued a Judgment (D.I. 167) (the “Judgment”), which, *inter alia*, entered judgment in the amount of \$6,814,105.30 against Defendants, jointly and severally, and in favor of Xcoal Energy & Resources (“Xcoal”). On April 28, 2021, Xcoal filed a Motion to Amend Judgment to Include Pre-Judgment and Post-Judgment Interest Pursuant to Rule 59(e) (D.I. 170) and also a Motion for Attorney’s Fees and Costs (D.I. 172) (collectively, the “Xcoal Post-Trial Motions”).

Subsequently, on May 28, 2021, Defendants filed a Motion for Approval of Bond and to Stay Execution of Judgment (D.I. 189). On June 8, 2021, the Court approved a Stipulation and Proposed Order filed by the parties, thereby approving the Bond submitted by Defendants and staying execution on the Judgment. (*See* D.I. 190).

The parties’ filings in relation to the earlier-filed Xcoal Post-Trial Motions (including the then Proposed Amended Judgment filed by Xcoal at D.I. 170-2 and 172-14) were made without the benefit of knowing the specifics of either the subsequent and now-approved Bond or of the Court’s future ruling on the Xcoal Post-Trial Motions. Accordingly, Xcoal requests that, after such time as the Court rules on the merits of Xcoal’s Post-Trial Motions, Xcoal be afforded the opportunity to promptly meet and confer with Defendants and then submit for Your Honor’s consideration its (or their joint, if applicable) form of proposed Amendment to the Judgment (D.I. 167).

In advance of submitting this letter, Xcoal conferred with Defendants regarding the same and inquired whether they desired to join the request herein. In response, Defendants indicated

June 28, 2021

Page - 2 -

that they take no position on this letter, are not joining in Xcoal's request, and reserve all rights with respect to the Judgment and any potential amendments thereto.

Should Your Honor have any questions, counsel is available at the convenience of the Court. Thank you.

Sincerely yours,

/s/ Geoffrey G. Grivner

Geoffrey G. Grivner (#4711)

GGG/

cc: All Counsel of Record via ECF